

Now overdue: Why rights to due process should be restored



For too long we have been denied a fair system of justice that can punish and protect equally well. The CTG needs to not just prosecute people but do it in a way that begins to repair and restore public faith in the system. That's what we need. That will be our blue sky and white clouds, without the ominous copters.

JALAL ALAMGIR

SOME schoolteachers once compared pictures of the sky drawn by Israeli and Palestinian children. They were

startled at what they saw. Among clouds and the sun, most kids from Palestine also drew dark helicopters hovering overhead. Imagine that! The sad reality of occupation and oppression had crept into even the

most innocuous, happy childhood dreams.

There is a lot of reason to be happy and excited nowadays. The sudden arrests of politicians, hauling them straight to jail, the passing

of tough new laws, the notice to declare wealth in 72 hours -- all these have been thrilling events for a people long oppressed by corruption. But sadly each of these has been marred by a neglect of due process.

So, I can't draw only happy clouds and the sun just yet.

In a nation that was looted almost bare by corrupt BNP-Jamaat politicians in the last five years, the cry for justice is loud and clear. There is simply no argument against it, and the caretaker government is heeding it fully.

But theft is not all that we suffered in five years. We also experienced a complete breakdown in our system of justice.

I have witnessed my father, who is now accused of treason, holding his head in frustration many times because he could not get justice. One crisp afternoon this January, while we were having lunch, the phone started to ring incessantly.

He picked up: there were shouts and cries on the other end. He listened, and his jaw dropped. The ex-BNP minister Ehsanul Haque Milon had entered a hospital in Chandpur brandishing two guns, in broad daylight and in full public view, and shot an AL student leader who was undergoing treatment. The police refused to take the case. Many newspapers ran the story the next day, quoting witnesses. The

police still refused to take the case.

On the other end of the phone that day, people were crying not because of the shooting, but because they were humiliated that the police refused to listen to them.

This is just one tiny example. In every nook and cranny in Bangladesh, from Kansat to Phulbari to Savar to Chandpur, people were persecuted, robbed, raped, even burnt alive; thousands were killed and maimed; scores were murdered in grenade attacks, and on and on -- but rarely have people been able to get justice. The system refused citizens protection from the abuse of power.

With hope of a new beginning, the task before the caretaker government is not simply to catch the ringleaders of misrule, but very importantly, to do so in a way that helps restore faith in our system of law and justice.

But on this count, the CTG, to be honest, has let us down. It has focused on efficiency and caught many worthy of punishment, but has sacrificed due process in order to make an example of those it has netted so far.

Take first the question of balance. Within the high-profile arrests, the CTG has included a few opposition ministers, most likely to show a measure of balance. Dr. Muhiuddin Khan Alamgir, my father, is an example. The past BNP gov-

ernment tortured him, then filed almost a dozen treason and corruption cases against him, but after years of hunting they failed to prove anything. In spite of that, he was arrested again, and has been in prison for a month already on a charge of treason, a charge that the High Court had already dismissed. This shows that the motive behind prosecuting him is seriously questionable.

Within the "lower-profile," the CTG has arrested at least 55,000 people so far, the highest number netted in a single month by any government in the past fifteen years. Just by laws of probability, a significant number of people among them must be innocent. Mass arrests always include a good number of innocents.

But their hope of due process is cut short in two ways: one, fundamental rights are suspended, and two, new laws are being enacted to bypass the existing judicial system. Fundamental rights, including the right to move the High Court, are there to ensure protection of the innocent from the abuse of power. In a good legal system, such protection is as important as prosecution.

As for new laws, the CTG either has passed or is about to pass three sets of them, with special tribunals to quickly prosecute cases of corruption, terrorism, and default on

bank loans. Our problem, however, has not been with laws; it has been with enforcement. Existing laws already allow severe punishment in each of these areas. Keeping CTG's rhetoric aside, the only real shortcoming of existing laws is that they retain the fundamental legal rights of the accused.

The CTG has taken many laudable initiatives in many different areas. In this area, however, it needs to step back from over-activism.

In fact, restoring due process will serve the CTG's direct interest.

First of all, without fundamental rights, trials, no matter how speedy, cannot be fair. And if the integrity of the trials begins to fail scrutiny, it will threaten the larger project by allowing some known criminals to get away and other innocent people to be punished.

The second reason relates to the counter-reformation. Commentators like Zafar Sobhan have talked about a counter-reformation, questioning the extent to which the CTG is really in command. Its lack of control, and therefore quality, would be more pronounced within these 55,000 lower profile arrests. In other words, it is difficult for a few well-intentioned people at the top to ensure that most arrests were made on proper grounds, especially when they have to rely on an administration with

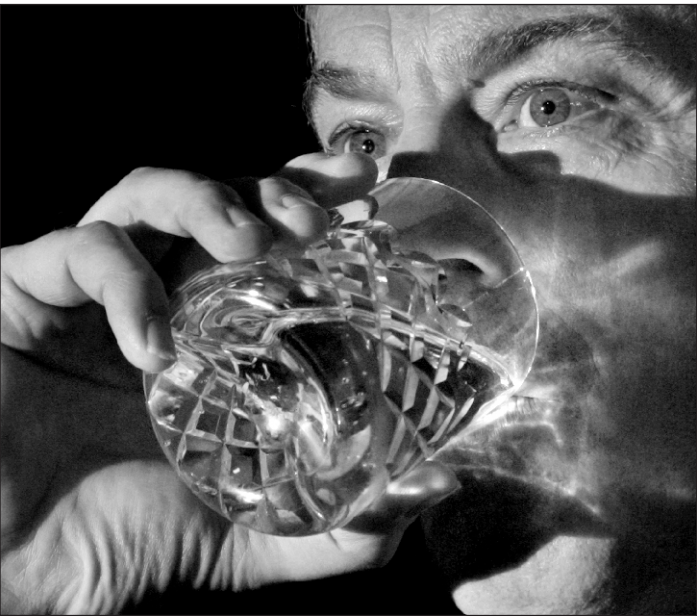
strong vestiges from BNP's tenure. Counter-reformists would be keen to damage the CTG's credibility by continuing to harass and arrest people for political motives. Compliance with due process is insurance against such sabotage.

Finally, following due process is what will make this CTG different from its predecessor. BNP was able to establish a reign of terror and corruption by fully subverting the justice system to its advantage. The CTG must not subvert it further. Contrary to what the CTG seems to think, it is not possible to weaken the system now in order to strengthen it later. It doesn't work that way.

For too long we have been denied a fair system of justice that can punish and protect equally well. The CTG needs to not just prosecute people but do it in a way that begins to repair and restore public faith in the system. That's what we need. That will be our blue sky and white clouds, without the ominous copters.

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Blair fumbles again



IMRAN KHALID

BRITISH Premier Tony Blair's decision to "reduce" -- not withdraw -- British troops in southern Iraq, from 7,100 to 5,500, in the coming months is certainly an unexpected stroke that has not only confused his detractors but also befuddled his supporters too.

Blair, whose days in 10 Downing Street are numbered, can be categorized as one of the most astounding British premiers of recent times, with drastic oscillations in his political career.

All was going well for Tony Blair, who emerged as a hero in 1997 when he guided the Labour Party out of 18 years in the political wilderness, until he started blindly toeing the White House line on foreign policy to the extent of being dubbed "President Bush's aficionado."

He had successfully enabled the Labour Party to have the third

consecutive parliamentary majority, and was all set to lead the game until next elections in 2009. But all his dreams of engraving his name in history as the longest serving British premier of the post-World War period have been bitterly shattered.

He has been literally pushed to the wall. Everybody is just waiting for his exit. The reasons leading to his current predicament cannot be explained in simplistic terminology.

There is a consensus in the political circles that Blair has alienated his supporters by sending troops to Iraq, refusing to call for an immediate ceasefire during the war in Lebanon, and failing to persuade the White House to push Israel towards peace with the Palestinians.

But there are some other factors that have further contributed to Blair's ignominy. The refusal of MPs to support him on key reforms, as well as the unavoidable feeling of

boredom and disaffection that often envelops any leader who has been omnipresent for around a decade, are perhaps two major factors that are responsible for pushing him to the lowest ebb of popularity.

Nonetheless, his ill-advised and blind support to President Bush's Iraq policy has been the key element in pushing him to this position of complete helplessness. There have been very few instances in British political history when a prime minister is compelled by his erroneous foreign policy to think of a premature exit.

Blair is the most glaring example of this. Since last September, when he promised to step down within one year, everybody is treating him as "gone," and looking over his shoulder to long-time, presumed successor, Gordon Brown.

Not surprisingly, after having a relatively successful ten-year stint that has been marred by his Iraq policy in the last phase, Blair is desperately trying to change this by achieving a semblance of success in Iraq.

His decision to reduce British troops is simply part of this attempt to claim "some" success in Iraq at the twilight of his career. Blair is claiming that he is reducing the British troops stationed there since the situation was normal in southern Iraq.

The plea being projected by Blair is strange, and seriously contradicts President Bush's decision to send 21,500 more US troops to control the insurgency in Baghdad neighbourhoods.

It was Blair who emerged the most vehement supporter of Bush's proposal to send more troops on this pretext. If Blair sincerely believes in Bush's reasoning for a new surge in the US troops in Iraq then, instead of calling them back, he should have

diverted these British troops to Baghdad -- from southern Iraq -- to further strengthen the US troops there.

The fact is that Blair has realized his flawed approach of blindly following the White House in the domain of foreign policy, and he wants to make some corrections for saving face.

The reduction in British troops -- and that too from southern Iraq, which was already relatively silent and stable -- is just a symbolic gesture to alleviate the reservations about his ability as a far-sighted statesman.

The fact is that almost all the 22 countries which have sent troops to Iraq to work along with the US troops have no significant impact on the ground operations there. Their individual numerical strength -- which ranges from 15 soldiers to 7,100 troops for different countries -- is so low, compared to 139,000 US troops, that they are more of symbolic value than of any concrete and tangible support to major operations of the US-led coalition.

Ironically, instead of winning him some laurels, his hasty decision to call back a big chunk of the British troops has further portrayed Blair as a directionless leader.

This decision is as bad as his earlier initiative to invade Iraq with President Bush in 2003. Blair fumbles again on Iraq.

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Buying death at a high price

I think formulation of an equally stringent anti-adulteration law is also the need of the hour to save us and our posterity from the poison of adulterated food items. If the people are forced to take in adulterated food items incessantly, there might not be enough healthy and intelligent people left or forthcoming to represent a knowledge-based society in the near future.

KAZI S.M. KHASRUL ALAM QUDDUSI

ONCE, mach (fish) and bhath (rice) were so abundant that they were, so to speak, identical with the Bengali. Yes, even many species of fishes are now beyond the reach of many for their exorbitant prices. Painfully, however, the fishes have been turned into virtual death-traps by some unscrupulous traders, in absence of -- barring abrupt raids during the previous regime -- strict and consistent state interventions, especially by the previous governments.

There is no reason to think that they are selling these formalin-treated and other poisonous items at a reasonable rate. Rather, we are buying death or deadly diseases and that too, at a very high price. Recently, 6.5 tonne of formalin-treated fishes have been recovered in only one raid in Dhaka city. Just imagine how many more tons of formalin-treated fishes have been consumed by us.

Reportedly, 98 per cent of the fish available in the markets are treated with formalin and other toxic chemicals and nearly 80,000 kgs of formalin-treated fish is imported from Myanmar every day. However, formalin -- basically used for preserving dead bodies for a long period -- is not being used for preserving fishes only. It is now being increasingly used for preserving other foods items, vegetables and fruits, milk and so

on. I, however, believe the issue has not yet received the kind of attention it deserves from either the government or the community people. Meanwhile, the physicians are pretty certain that formalin-treated fish are largely responsible for proliferation of deadly diseases in almost every household.

Apart from normal stomach-related diseases, the diseases include skin diseases, renal failure, liver cirrhosis, asthma, cancer and so on. Yes, even looking at formalin-treated fish can cause damage to corneas. Inhalation can cause lung and throat cancer while touching it can cause incurable skin diseases. Thus, the formalin-users in fishes are also susceptible to its damaging effects.

Though the diseases like diarrhea and dysentery can be diagnosed and treated rather quickly and easily, the fatal diseases that take time to infect our bodies become really hard to cure in the end -- where otherwise avoidable -- death or excruciating existence become inevitable in most cases.

And, that is why slow poisoning is all the more dangerous. If the corrupt people prevent our attainable rate of progress and create social inequality, if the godfathers create anarchy in the society and take away sense of tranquility from the minds of general people, then the adulterators are not doing any lesser crime.

They are slowly but surely inject-

ing diseases of grave natures into our bodies and crippling our posterity. Yes, premature deaths from incurable or hard-to-cure diseases have shown signs of increase in the recent years, which is, to a degree, attributed to the intake of adulterated food items. And, children, too, have shown signs of its devastating effects.

Physicians have fingered food adulteration and toxicity as major factors in increasing number of deformed children. The deformity can be both physical and mental. Reportedly, the number of physically handicapped and mentally retarded children has increased lately and only the sufferers know how agonizing the lives of such children and their families are.

Though the general people want relief from such a venomous situation, they have few options to resort to. They do not have the mechanism to detect adulteration in the food items. The government did not even have a formalin kit a few days back, which has been brought in by the present government from Thailand recently.

There is, again, no abundant supply of other food items that they can stay away from fishes. Moreover, in a country like Bangladesh, fishes are a great source of protein. It is the case in other food items as well. This is not a new story that food-related businessmen resorted to strikes in protest against anti-adulteration drives.

In this land of teeming millions, the general people are a sort of hostage to the traders. And, some traders are playing with the lives of the general people, capitalizing on their demands. The anti-adulteration drives by the government, especially the magistrates are highly appreciable. The nation salutes such brave sons of the land.

However, it is difficult to say that the traders have stopped their lethal business of adulteration even after being punished. Reportedly, many reverted to former tricks even after being punished. A vicious cycle of adulteration seems to have developed which needs to be debunked through rigorous state actions.

On no grounds should the adulterators be shown leniency. Our political governments failed to be duly harsh on them for fear of losing support from vested quarters. The present government has decided to strengthen anti-corruption laws to punish the corrupt. Anti-terrorism law is in the pipeline with provision of capital punishment.

I think formulation of an equally stringent anti-adulteration law is also the need of the hour to save us and our posterity from the poison of adulterated food items. If the people are forced to take in adulterated food items incessantly, there might not be enough healthy and intelligent people left or forthcoming to represent a knowledge-based society in the near future.

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In for the long haul

Even so, because the Petraeus plan will likely extend well into the next presidency, much will depend on the views and actions of whoever is elected in 2008. Ultimately, if we do withdraw prematurely, we may end up doing what embattled British Prime Minister Tony Blair has just announced he's doing in the southern Iraqi city of Basra: declare victory (though there is scant evidence of one), and go home. But not if Dave Petraeus and his dream team can help it.

MICHAEL HIRSH

THE British are leaving, the Iraqis are failing and the Americans are staying -- and we're going to be there a lot longer than anyone in Washington is acknowledging right now.

As Democrats and Republicans back home try to outdo each other with quick-fix plans for the withdrawal of US troops and funds, what few people seem to have noticed is that Gen. David Petraeus's new "surge" plan is committing US troops, day by day, to a much deeper and longer-term role in policing Iraq than since the earliest days of the US occupation.

How long must we stay under the Petraeus plan? Perhaps 10 years. At least five. In any case, long after George W. Bush has returned to Crawford, Texas, for good.

To a degree little understood by

the US public, Petraeus is engaged in a giant "do-over." It is a near-reversal of the approach taken by Petraeus's predecessor as commander of multinational forces in Iraq, Gen. George Casey, until the latter was relieved in early February, and most other top US commanders going back to Rick Sanchez and Tommy Franks.

Casey sought to accelerate both the training of Iraqi forces and American withdrawal. By 2008, the remaining 60,000 or so US troops were supposed to be hunkering down in four giant "superbases," where they would be relatively safe.

Under Petraeus's plan, a US military force of 160,000 or more is setting up hundreds of "mini-forts" all over Baghdad and the rest of the country, right in the middle of the action.

The US Army has also stopped pretending that Iraqis -- who have failed to build a credible government, military or police force on their own -- are in the lead when it comes to kicking down doors and keeping the peace. And that means the future of Iraq depends on the long-term presence of US forces in a way it did not just a few months ago.

"We're putting down roots," says Philip Carter, a former US Army

captain who returned last summer from a year of policing and training in the hot zone around Baquba. "The Americans are no longer willing to accept failure in order to put Iraqis in the lead. You can't let the mission fail just for the sake of diplomacy."

Many US military experts now believe that, if there is any hope of stabilizing Iraq, the Petraeus plan is the only way to do it. The critical question now, they say, is whether we have anywhere near enough troops committed to the effort, and whether America has the political will to see the strategy through to the end.

"This is the right strategy: small mini-packets of US troops all over, small 'oil spots' (of stability) spreading out. It's classic counterinsurgency," says one of the Army's top experts in irregular warfare, who helped draft the counterinsurgency manual that Petraeus produced while commander at Fort Leavenworth last year -- the principles of which the general is applying to Iraq. "But it's high risk and it's going to take a long time."

How long? At his confirmation hearings in January, Petraeus was asked by Sen. Ted Kennedy about a timetable for the surge plan. "I

can't give you dates at this time," he said.

Defense Secretary Robert Gates was only slightly more specific at a hearing of the Senate Armed Services Committee on Jan. 11. "I don't think anybody has a definite idea about how long the surge would last," he said. "I think for most of us, in our minds, we're thinking of it as a matter of months, not 18 months or two years."

A White House spokeswoman said Thursday she could find no record that the president, national-security adviser Stephen Hadley or any senior administration official had volunteered anything more specific than that.

But the Army expert in irregular warfare notes that insurgencies take on average 10 years to defeat. And while technically we're about four years into this one, the Pentagon was in such denial for so long about confronting the Iraqi insurgency -- and wasted time on so many errant alternatives -- that America may be at square one in fighting it, or possibly even "in negative numbers," this expert says.

The Petraeus plan returns US troops to the role they played in the immediate aftermath of the 2003 invasion (although back then there was no partnering with Iraqis at all).

Paul Rieckhoff, a former US Army reservist and the author of Chasing Ghosts, a harshly critical look at the Iraq war, says he is disheartened that Petraeus is moving his troops back into the same turf that Rieckhoff's First Armored Division brigade, under Maj. Gen. Martin Dempsey, controlled in 2003.

The Dempsey approach to US-led policing was similar to Petraeus's, but it was abandoned in early 2004. "The 82nd Airborne is now returning to the area of Adamiyah (a neighborhood in central Baghdad) we left in 2004," Rieckhoff says.

As a result of all the lost time, the anonymous irregular warfare expert worries about "whether we have the support of the American people for the multiyear commitment it will take," adding: "This is how great powers lose small wars."

America's political will may depend, in turn, on whether the casualty rate stays the same -- or goes even higher, as is likely for a time. An attack on a US outpost north of Baghdad on Monday highlighted some of the hazards of the new approach.

Insurgents sent suicide vehicles into an abandoned police station manned by a small contingent of US troops, killing two American soldiers. "The troops are certainly more vulnerable than they are on super bases," says John Arquilla, who teaches irregular warfare at the Naval Postgraduate School in Monterey, Calif. "The mission now is less force protection of American troops and more protection of the Iraqi people."

Yet like two planets spinning away from each other in different orbits, the Petraeus plan developing on the ground and the Iraq debate generating headlines back home seem to be disconnected, increasingly so.

On Wednesday, most of the Democratic candidates for president gathered in Carson City, Nev., and pitched their various schemes

for capping funds for the war and thus forcing at least a partial US withdrawal.

Back on Capitol Hill, House Speaker Nancy Pelosi threw her support behind a proposed bill by Rep. John Murtha that would reduce the US presence in Iraq by requiring troops to spend one year at home between deployments, among other provisions for readiness.

Can any of these efforts succeed, when the highly esteemed Petraeus will be making regular visits to the Hill pleading for more time?

Phil Carter, who is also a lawyer, believes the congressional efforts

to cut off Petraeus will fall flat -- although he's also skeptical that the general's plan can work without several hundred thousand more troops, which Congress is highly unlikely to authorize.

"I just don't see Congress stepping up and drawing a line in the sand," he says. The analogy one hears most often is to the end of the Vietnam War, when Congress cut off aid to the South Vietnamese government.

But Carter believes that comparison is a false one. "The myth on Vietnam is that Congress did it, but by the time they did Nixon had pulled out all the US troops anyway," he says. "This is different."

Even so, because the Petraeus plan will likely extend well into the next presidency, much will depend on the views and actions of whoever is elected in 2008.

Ultimately, if we do withdraw prematurely, we may end up doing what embattled British Prime Minister Tony Blair has just announced he's doing in the southern Iraqi city of Basra: declare victory (though there is scant evidence of one), and go home. But not if Dave Petraeus and his dream team can help it.

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